



CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
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MINUTES APRIL 25, 2006

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The meeting was called to order by Chairman Jack Knapp at 7:30 PM.

Present were Theresa Buzaid, Anthony DiCaprio, Helen Hoffstaetter, Richard P. Jowdy, Jack H. Knapp Jr., Robert Melillo and Alternates Jean Anderson and Victoria Hickey.

Absent were Ted Farah, Theodore Haddad Jr., Donald Kennedy and Alternate Joseph Notaro Jr.

Chairman Knapp asked Mrs. Anderson to take Mr. Haddad's place and Ms. Hickey to take Mr. Farah's place for the items on tonight's agenda.

Chairman Knapp led the Commission in the Pledge of Allegiance.

The secretary reminded Chairman Knapp that Mr. Elpern is out of town at a conference so he will not be here this evening. She also told him that the minutes of the April 11, 2006 meeting are not finished and will be ready at the next meeting.

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PUBLIC HEARING:

7:30 PM - Petition of Fabia Patricia Fernandes d/b/a Arts & Party LLC, 68 Keeler St. (#114372) for Special Permit for Restaurant Liquor Permit.

Chairman Knapp read the legal notice for this petition. He reminded the Commission members that they had heard a version of this petition at the March 28, 2006 meeting. He explained that there was some confusion regarding the type of permit Mrs. Fernandes really wanted, so she is back tonight.

Patricia Fernandes spoke in favor of this petition. She said she has been doing parties for about five years but only about two months in this location. She said she is hoping the restaurant will be busy during the week and that weekends will be for catered parties. She said she would prefer to just do catering but needs the restaurant to help to pay the rent. She showed the Commission photos of some parties that she has done and what they really consist of. Ms. Hoffstaetter asked if the restaurant has to be closed in order for the catering to take place and Mrs. Fernandes said no. Mrs. Fernandes spoke in great detail about the parties and the operations of the restaurant. Chairman Knapp

commented that this all seems very credible but the license goes with the site, not the person. He mentioned the applicant is asking for a restaurant liquor permit, it would have to meet the 60/40 split (sales of alcohol versus sales of food) as defined in Sec. 3.F.2. of the Regulations. Mr. Jowdy said this plan looks great but the history of this site almost speaks for itself. Mr. DiCaprio then suggested they limit this to a service bar only, since it is in the C-CBD zone and we do not want to create any more bars downtown. Chairman Knapp pointed out there were two restrictions right there, the service bar and the requirement for the 60/40 split on sales. There was no other discussion.

Mr. Melillo made a motion to close the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously by voice vote. Ms. Hoffstaetter then made a motion to move this matter to Old Business. Mr. Melillo seconded that motion and it was passed unanimously.

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OLD BUSINESS:

- 1) Petition of Fabia Patricia Fernandes d/b/a Arts & Party LLC, 68 Keeler St. (#I14372) for Special Permit for Restaurant Liquor Permit.

Chairman Knapp asked for comments or discussion on this matter. Mr. DiCaprio made a motion to approve this with these modifications: service bar only and the required reporting of the 60/40 mix of sales. Mr. Melillo said seconded the motion for the purpose of discussion. Mr. Jowdy said they have tried this before and it has not worked because it is impossible to enforce. Mr. DiCaprio said that is a valid concern, but the decision will be based on the intention of the owner to do the right thing. Mrs. Buzaid asked how they could serve liquor at Hatter's Park. Chairman Knapp said there is a special one-day permit for catered events. Mrs. Anderson then reminded the Commission that there are several churches in the immediate area as well as the playground which is located directly across the street from the subject property.

Chairman Knapp called a roll call vote on the motion to approve this with modifications and it was defeated with four Ayes (from Ms. Hoffstaetter, Mr. DiCaprio, Mr. Melillo and Chairman Knapp) and five Nays (from Mrs. Buzaid, Mr. Jowdy, Mrs. Anderson, Ms. Hickey and per Roberts rules of Order, a nay for the missing person to make up the quorum).

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NEW BUSINESS:

- 1) ZBA Referral: Application #06-55 – Kenneth Anderson, 22 Patch St. (#H12224), Use Variance to Sec. 5.A.2.a., to allow use as a two-family residence in the CG-20 Zone. ZBA hearing scheduled for May 11, 2006.

Chairman Knapp asked the subcommittee if they were ready to give the report and Mr. DiCaprio said he definitely is not. Mr. Melillo agreed that he would rather wait until the next meeting. Chairman Knapp said additionally since Mr. Farah is not here, it would probably be best to wait until the next meeting.

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Chairman Knapp said the New Business listed a ZBA Referral which the subcommittee would report on at the next meeting. The Correspondence consisted of three Cease & Desist Orders and under For Reference Only there was one public hearing scheduled for May 23, 2006. At this point Chairman Knapp asked the secretary if they had anything to put on the agenda for the next regular meeting on May 9, 2006. She said they did not have any public hearings and it is too late now due to the legal notice deadlines. Also there is no New Business and the only item they have for that agenda is the ZBA Referral. Chairman Knapp asked the Commission what they wanted to do and after brief discussion, they decided to cancel the May 9, 2006 meeting.

At 8:45 PM, Mr. Melillo made a motion to adjourn. Mr. Farah seconded the motion and it was passed unanimously.